

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

| | | |
|---|---|--------------------------------|
| United States of America |) | |
| v. |) | |
| Everett Ceasar Grier |) | Case No: 4:97CR83 |
| |) | USM No: 14350-058 |
| Date of Previous Judgment: 8/30/04 (Rule 35 date) |) | Tanzania Chevon Cannon-Eckerle |
| (Use Date of Last Amended Judgment if Applicable) |) | Defendant's Attorney |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 248 (total for both counts) months is reduced to 157 months (total).

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

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|---|--|
| Previous Offense Level: <u>34</u> | Amended Offense Level: <u>32</u> |
| Criminal History Category: <u>III</u> | Criminal History Category: <u>III</u> |
| Previous Guideline Range: <u>188</u> to <u>235</u> months | Amended Guideline Range: <u>151</u> to <u>188</u> months |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

On 9/19/97, sentenced to 188 months on count 1 and 60 months consecutive on count 2, for a total of 248 months confinement. On 8/30/04, received Rule 35 reduction. Sentenced to 120 months on count 1 and 60 months consecutive confinement on count 2, for a total of 180 months. The 120-month sentence for count 1 imposed at the time of the Rule 35 was 64% of the low end of the original guideline range. 97 months confinement is 64% of the low end of the revised guideline range for count 1. The additional 60 months confinement is for the mandatory

Except as provided above, all provisions of the judgment dated

9/19/97 (orig.) shall remain in effect.

IT IS SO ORDERED.

Order Date: June 25, 2008

Effective Date: _____
(if different from order date)


Lacy H. Thornburg
United States District Judge

